

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

CHAUNCEY CLARK, #1720209 §

VS. § **CIVIL ACTION NO. 5:06cv69**

BOWIE COUNTY CORRECTIONAL §
CENTER, ET AL.

O R D E R

On March 27, 2006, Plaintiff Chauncey Clark, a prisoner confined at the Bowie County Correctional Center, filed the present civil rights lawsuit complaining about the medical care provided at the facility. He stated that he slipped and fell on water on March 9, 2006. He hurt his back, leg, hip and knee. He called out for help and received none. There are several problems with the lawsuit. First of all, a civil rights lawsuit must be filed against people, as opposed to a building like the jail. Secondly, the Plaintiff prepared the complaint right after he fell. It does not appear that he exhausted his administrative remedies before he filed the lawsuit, as required by federal law. He also failed to discuss the extent of his injuries and how the named defendants responded to his requests for help. It does not appear that he has a basis for a potentially meritorious civil rights lawsuit. Nonetheless, instead of having his lawsuit dismissed outright, the Plaintiff should be given an opportunity to amend his complaint in order to show that he has a basis for a potentially meritorious lawsuit. *See Eason v. Thaler*, 14 F.3d 8 (5th Cir. 1994). It is accordingly

ORDERED that the Plaintiff shall have thirty (30) days from receipt of this notice to file an amended complaint showing that he has a basis for a potentially meritorious lawsuit.

In the amended complaint, the Plaintiff shall explain in detail how his constitutional rights were violated. He shall specify how and when each Defendant was personally involved in the various

incidents made the basis of his claims. He shall discuss his injuries. He shall discuss whether he ever submitted any sick call requests for medical care and, if so, the responses provided to such requests. He shall specify who responded to the requests. Failure to replead in conformity with this order may result in dismissal of the complaint. It is further

ORDERED that the Plaintiff shall provide proof that he exhausted his administrative remedies, with the responses provided by the jail, prior to filing the lawsuit. Failure to submit proof that he exhausted his administrative remedies before he filed the lawsuit may result in the dismissal of the lawsuit.

SIGNED this 26th day of April, 2006.



CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE